

03-03-06

LAWRENCE J. DE ANGELIS



LAWRENCE J. DE ANGELIS

124 LOTUS STREET - OCEANSIDE, CALIFORNIA 92054-3730

FAX 1-(760) 721-0330
1-(760) 721-2947

March 1, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Regarding: § 1.102 Advancement of examination for Application No. 10/679,791

Dear Commissioner,

On November 1, 2005, I changed the correspondence information for App. #; 10/697,791 to myself (Lawrence J. DeAngelis). At that time I was told that the application was in Post Examination status and nothing was required by me. This past Monday (2/17), the assigned examiner, Mr. Ayaz Sheikh, informed me that my application had not even started the examination process. Therefore, I am requesting to be advanced out of turn for examination.

The primary reason for the request is infringement related. The 10/679,791 application is an enhancement of the USPN 4,654,482, which was granted to me on March 31, 1987. The '482 patent teaches the art of utilizing a terminal to shop for and order merchandise, identified by machine readable digital codes, from one of a plurality of merchants over a direct distance dial telephone network.

I am thankful that the USPTO is considerate to senior citizens and have incorporated § 1.102 Advancement of examination, which allows me to make this request without a fee since I was born on September 2, 1939, see enclosed documentation.

Application No. 10/679,791 was filed on October 6, 2003 and USPN 4,654,482 expired on April 1, 2004.

The Digital:Convergence Company (DCC) had built-out a system then known as C.R.S. and Cue:Cat systems based on the USPN 5,978,773 that they licensed from NeoMedia Technologies, Inc. After thoroughly testing the workings of their system, my attorney at that time, Mr. Thomas Stine, of the Law Firm of Wallenstein and Wagner, Ltd., sent DCC a letter (enclosed) on May 7, 2001 requesting them to license my '482 patent. In the letter to DCC, Mr. Stine informed them that my '482 patent had not been considered when the '773 was examined. Our belief is that if my '482 patent had been considered, the '733 patent would not have been issued. Unfortunately, DCC went out of business shortly afterwards and I received no money. See the attached Comparison of claims.

In the meantime, NeoMedia Technologies, Inc., (OTC BB: NEOM), (www.neom.com) has been very busy building out their PaperClick (www.paperclick.com) site using the '733 patent among others as the intellectual property to operate their business. According to Mr. Charles W. Fritz, their president and CEO, "they have experienced a whirlwind of acquisitions", with NeoMedia announcing and/or closing acquisitions of: 12snap AG, for \$22 million; Gavitec AG - mobile digit, for \$7.2 million; Mobot®, Inc., for \$10 million; HipCricket, Inc. for \$4.5 million; and London-based Sponge, for \$17.4 million, all for the betterment of their PaperClick system.

I have spent the better part of the last twenty-two years on this idea and have not made a dime from it. I pray that you will speedup the examination of this application, and most importantly, grant me the patent.

Respectfully yours,

Lawrence J. DeAngelis

Enclosures:

Cc Mr. Ayaz Sheikh

email: ljd@EclecticDesigns.com



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE**Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/679,791
Filing Date	OCT 6, 2003
First Named Inventor	LAWRENCE J. DEANGELIS
Art Unit	3627
Examiner Name	MR. AYAZ SHEIKH
Attorney Docket Number	

Enclosed is a petition filed under 37 CFR 1.102 C that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 0 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

- The Commissioner is hereby authorized to charge the following fees to Deposit Account No. _____:
 petition fee under 37 CFR 1.17(f), (g) or (h) any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.
 Check in the amount of \$ _____ is enclosed.
 Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

Signature

LAWRENCE J. DEANGELIS

Typed or printed name

1 MARCH 06

Date

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



May 7, 2001

Wallenstein
& Wagner[®]
INTELLECTUAL PROPERTY LAW

311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6630
phone: 312-554-3300
fax: 312-554-3301
www.wwfirm.com

Mr. Matt Ghourdjian
CEO, Co-Chairman
Digital:Convergence Corporation
9101 North Central Expressway
6th Floor
Dallas, Texas 75231-5914

Thomas K. Stine
tstine@wwfirm.com

Re: United States Patent No. 4,654,482, entitled "Home Merchandise
Ordering Telecommunications Terminal" (DeAngelis)
:C.R.Q. System

Dear Mr. Ghourdjian:

We represent Lawrence J. DeAngelis, inventor for the above-identified patent ('482 patent), a copy of which is enclosed for your convenience. The '482 patent is directed at an apparatus and method for ordering merchandise identified by merchandise codes.

We recently reviewed the operation of the :C.R.Q. and :Cue:Cat system. In light of that review, our client would like to offer Digital:Convergence a license under the '482 patent for its continued manufacture, use, and/or sale of the :C.R.Q. and :Cue:Cat system. We are confident that a licensing agreement favorable to all parties can be reached.

In addition to the above, we recently reviewed a press release announcing a licensing agreement granting Digital:Convergence a license for several patents assigned to NeoMedia Technologies, Inc. We assume that the licensing agreement includes NeoMedia's patent entitled "System and Method for Using an Ordinary Article of Commerce to Access a Remote Computer" (USPN 5,978,773 to Hudetz, et al.). The information included on the face of the '773 patent indicates that the '482 patent was not considered by the PTO in the application process.

After you have had a chance to review the '482 patent, please contact us so that we may discuss this matter further.

Sincerely,

Thomas K. Stine

TKS/jlg (121484.1)

Enclosure

cc: Lawrence J. DeAngelis (w/o encl.)

Comparison of claim 1 of my (DeAngelis) USPN 4,654,482 against claims 1 & 2 of the NeoMedia's USPN 5,978,773

DeAngelis USPN 4,654,482 claims:

1. A terminal for ordering merchandise through a direct distance dial telephone network from any one of a plurality of merchants each having an order receiving apparatus that can be accessed through said direct distance dial telephone network, the merchandise being identified by individual printed merchandise codes in a catalog of printed merchandise codes and the order receiving apparatus of each merchant requiring its own set of recognition data to accept an order from the terminal, said terminal comprising:
 - A. code reader means for producing electrical merchandise code signals in response to the code reader means recognizing a selected printed merchandise code;
 - B. modem means adapted to be connected to said direct distance dial telephone network for establishing a telephone communication link with a desired one of said merchant order receiving apparatus;
 - C. storage means containing at least one set of recognition data for each said desired one merchant order receiving apparatus; and

D control means for conveying said electrical merchandise code signals to said desired one merchant order receiving apparatus over said telephone communication link in conjunction with said at least one set of recognition data.

NeoMedia USPN 5,978,773 claims:

1. An apparatus for using an article of commerce to access a remote computer, comprising:
 - (a) a machine-readable indicia associated with the article of commerce, said indicia encoding at least one of a plurality of identification numbers, said encoded identification number corresponding to the article in accordance with an extrinsic standard;
 - (b) an input device generating a signal corresponding to said encoded identification number; and
 - (c) a database containing a plurality of network addresses and said plurality of identification numbers, each of said identification numbers being associated with at least one of said plurality of network addresses; said database being responsive to said signal for providing one of said network addresses which is associated with said encoded identification number;

further comprising a local host adapted for network communication; and a first network containing a plurality of nodes, each having an assigned network address; said network being operatively coupled to said local host for allowing communication between said local host and that one of said nodes whose assigned network address corresponds to the network address provided by said database.
 2. The apparatus of claim 1 where said machine-readable indicia is a bar code, and wherein said input device includes a bar code reader.
-

As you can clearly see, they both say the same thing only in different words. The NeoMedia patent address the Internet whereas my patent refers to the direct distance dial telephone network of which the Internet is a part of.